

TO: Mayor and Board of Trustees
FROM: Village Administrator Steve Stricker and Staff
SUBJECT: Regular Meeting of August 26, 2013
DATE: August 23, 2013

PLEDGE OF ALLEGIANCE – Eleni Andrews, Pleasantdale Elementary School

6. ORDINANCES

7. RESOLUTIONS

A. Contract for the Sale of Village Property – Pump Center

Please find attached a Resolution authorizing a contract for the sale of the Village Pump Center property located on German Church Road, along with the contract. The contract purchaser is Pulte Home Corporation. Pulte has committed to purchase the property at the Village's asking price of \$2,445,000.

The contract is contingent on the Village granting zoning approval for a residential development to be proposed by Pulte. The approval of this contract in no way obligates or indicates the Village's intent to approve any particular zoning classification or development plan for the subject property. If Pulte does not obtain zoning approval, the contract would expire with no further obligations required of either the Village or Pulte.

Also, please note that the contract is not contingent upon Pulte's acquisition of the Sessions property adjacent to the pump station property. It is our understanding that the Sessions property is under contract to another buyer and Pulte may continue to try to acquire this property. However, the contract gives Pulte the right to pursue zoning approval for the pump station property without inclusion of the Sessions property.

There is also attached an email message and a letter from Mr. Zed Francis on behalf of the Bridle Path Homeowners Association.

It is our recommendation: that the Resolution authorizing the contract be adopted and that the contract be approved.

B. Amend Premium Conversion Plan (Section 125 Plan)

In April 1992, the Village adopted Resolution #R-23-92 that approved a Premium Conversion Plan that would allow for employee-paid health and dental insurance premiums to be deducted from an employee's paycheck before income taxes are calculated, thereby reducing the amount of income tax the employee would pay. The Plan was revised in 2010 to include Flexible

Spending Account contributions to be made on a pre-tax basis. As part of their contract with the Village, the Plan Administrator for our Flexible Spending Account, Discovery Benefits, Inc., annually reviews our Premium Conversion Plan to ensure compliance with Federal laws governing this program and have updated our Plan this year to incorporate changes resulting from the Health Care Reform Act. The revised Plan has been reviewed and approved by Finance Director Jerry Sapp and went into effect July 1, 2013. Enclosed is a Resolution adopting the revised Premium Conversion Plan retroactive to the effective date, along with the revised Plan.

It is our recommendation: that the Resolution be adopted and that the Mayor be authorized to sign the Plan Document.

8. CONSIDERATIONS

A. Plan Commission Recommendation – Deny Fence Variation (Z-11-2013: 6501 County Line Road – Lindell)

Please find attached a letter from the Plan Commission recommending denial of a request by Dennis Lindell, Attorney for the property owner, for a variation from Section IV.J for a fence in a front and corner side yard. The Plan Commission previously sent a recommendation of denial to the Board on July 8, 2015. The Board remanded this petition to the Plan Commission to consider an amended plan with the fence moved behind the perimeter landscaping with additional landscaping added. The Plan Commission considered the revised plans at their August 19 meeting.

The Plan Commission concluded that the changes did not resolve their previous concerns. Particularly, the Commission still believes that the variation cannot be justified. The property may be considered unique due to its location at an intersection of two arterial streets. However, that unique condition does not create a hardship that can only be resolved by granting the proposed fence variation. In fact, the Plan Commission concluded that the fence will not provide any more protection from the adjacent streets than could be provided by landscaping.

The petitioner also requested a text amendment that would allow fences in the front yards of properties of two acres or more and located on two arterial streets. The Commission previously recommended denial of the text amendment in part because the size of the lot should not be reason for allowing front yard fences.

At the August 19 meeting, the petitioner indicated they would be agreeable to any amendment that allowed a front yard fence on the subject property. The Commission discussed options for a text amendment and decided that any further consideration of a text amendment should be done with a new public hearing that includes a broader legal notice. The Commission struggled with finding any terms that would allow front yard fencing without creating an undesirable number of front yard fences in the Village. Generally, the Commission believes that front yard fences are contrary to the objectives of

the fence regulations which are to maintain an open streetscape throughout the Village.

It is our recommendation: that the Board concur with the Plan Commission and direct staff to prepare an Ordinance denying the variation and the text amendment.

B. Plan Commission Recommendation – Sign Variation (S-04-2013: 60 Shore Drive – Brand Max Motors)

Please find attached a letter from the Plan Commission recommending approval of a request by Brand Max Motors for a variation from the Sign Ordinance to permit two wall signs on the same side of the building with a combined area of 160 square feet. The Sign Ordinance permits two signs per street frontage for a corner lot provided each sign is oriented toward a different street with a combined area not to exceed 110 square feet.

In 2007, a sign variation was approved allowing two signs on the north façade of the building. The proposed sign would replace one of the two signs previously approved for this property. The 2007 approval was based on the fact that two signs are allowed on the building, that the building faces I-55, and that the use of the building includes two retail sales facilities. The current request included a third sign to be located above the entryway on the west façade of the building. However, the Commission does not recommend that sign as it would be inconsistent with other sign approvals and set a precedent for three signs on a corner lot.

It is our recommendation: that the Board concurs with the Plan Commission and directs staff to prepare an Ordinance granting the sign variations.

C. Plan Commission Recommendation – Public Hearing re Use of Medical Cannabis Pilot Program Act (PC-07-2013)

Please find attached a letter from the Plan Commission recommending that the Board direct the Plan Commission to conduct a public hearing to consider an amendment to the Zoning Ordinance. The hearing would consider an amendment in response to the recent enactment by the State of Illinois of the Compassionate Use of Medical Cannabis Pilot Program Act by the State of Illinois. This law preempts municipal authority to wholly prohibit “medical marijuana disbursement facilities” (as defined in the Act) within municipal borders. It does, however, allow municipalities to regulate the location of such facilities from a zoning standpoint. A more detailed explanation is provided in the attached letter from the Village Attorney.

It is our recommendation: that the Board authorize the Plan Commission to proceed with a public hearing as recommended.

D. Contract for 2013 Pavement Marking Program

The Burr Ridge Engineering Division has prepared contract documents and solicited bids for the 2013 Pavement Marking program. The pavement marking program is typically scheduled for each fall, following completion of the annual resurfacing program. The 2013 budget includes \$20K for pavement marking improvements.

A bidder solicitation was published in the IDOT contract bulletin, and area contractors were contacted directly to notify them of the project. Three bids were received for this project. The low bid for this project is from Mark-it Corporation, in the amount of \$21,750.90. Although this price is slightly above the \$20K Capital Improvement budget item for this work, it can be readily absorbed in the larger Capital Improvement budget due to completion of the resurfacing work substantially under budget. The bid results are as follows:

Mark-it Corporation	\$ 21,750.90
Marking Specialists	\$ 26,957.10
AC Pavement Striping	\$ 44,031.28

It is our recommendation: that a contract for the 2013 Pavement Marking program be awarded to Mark-it Corporation in the amount of \$21,750.90.

E. Unpaid FMLA Leave of Absence – Tim Jordan

Attached please find a letter from General Utility Worker Tim Jordan requesting an unpaid leave of absence for two weeks under the Family and Medical Leave Act. Mr. Jordan has exhausted his paid leave allotments and is requesting an unpaid leave of absence to recover from emergency appendectomy surgery, which qualifies under the FMLA regulations. Mr. Jordan's FMLA leave is from August 12 through August 26.

It is our recommendation: that the request for unpaid leave of absence under the Family and Medical Leave Act for General Utility Worker Tim Jordan be approved.

F. Vendor List

Enclosed is the Vendor List in the amount of \$153,393.68 for all funds, plus \$194,459.29 for payroll, for a grand total of \$347,852.97. The Vendor List does not include any special expenditures.

It is our recommendation: that the Vendor List be approved.